

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

BRIAN THOMPSON and
SHEILA THOMPSON,

Plaintiffs,

v.

RYAN CATE and the
CITY of TRINIDAD, TEXAS,

Defendants.

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Civil Action No. 6:24-cv-67

CITY OF TRINIDAD’S
REPLY TO PLAINTIFFS’ RESPONSE [#5]

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW City of Trinidad, Texas, Defendant in the above-styled and -numbered cause, and files this Reply to Plaintiffs’ Response [#5], and would respectfully show unto the Court as follows:

Although all of the arguments Plaintiffs make in their Response must fail, the purpose of this Reply is to address Plaintiffs’ minimization of the significant burden that would be imposed upon the City of Trinidad and its citizens if Plaintiffs were permitted to proceed in this venue. Specifically, Plaintiffs acknowledge that the “travel time from Trinidad . . . to Waco is approximately 1 hour and 22 minutes,” and “the travel time from Trinidad to Tyler is approximately 57 minutes.” (Pls.’ Resp. [#5], pp. 4-5.) They also incorrectly argue that increasing travel time by one-third does not create any appreciable inconvenience for the City of Trinidad and its citizens.

As an initial matter, the Trinidad Police Department employs two officers at any given time. Chief Miers – a key witness in this case – is one-half of the City’s police force.

Although a small office, the Trinidad Police Department has significant responsibility. In addition to providing all traditional policing services for the City, the Department is also entirely responsible for all security services at Trinidad Elementary School, Trinidad Middle School, and Trinidad High School. The Police Department is also responsible for the City's code enforcement, animal control, issuing building permits, and building inspections. Further, the Police Department assists the Henderson County Sheriff's Office when responding to calls in the western portion of the County. Because of the breadth of his responsibilities, Chief Miers is essentially on call almost constantly.

Chief Miers' significant responsibilities illustrate that the convenience of the Parties to this litigation is no trifling issue. As a key witness, Chief Miers' presence will be necessary at hearings, deposition, and trial. In addition to being a key witness, Chief Miers is also one-half of the City's police force. Being thirty minutes closer to the City and schools could literally mean the difference between life and death.

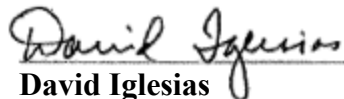
Also, Plaintiffs' reliance on Mr. Cate's residence is a red herring. According to the address listed on Mr. Cate's Answer and Affirmative Defenses [#7], he lives in the City of Oakwood, Texas. According to internet mapping websites, Mr. Cate's home is less than five miles from the Eastern District of Texas. The same internet mapping websites show that Mr. Cate's home is approximately 85 miles from the United States Courthouse in Waco, and approximately 66 miles from the United States Courthouse in Tyler. Further, Plaintiffs do not contest that they themselves live in the Tyler Division of the Eastern District of Texas.

Finally, Plaintiffs' arguments voicing displeasure at the timeliness of rulings from the United States District Courts in Tyler should be wholly disregarded. As an initial matter, rulings issued by the Eastern District of Texas are not outside of the normal course. Even so, however,

there is no element of the venue analysis requiring this Court to consider whether Plaintiffs are satisfied with the speed of rulings from the court to which transfer is requested.

WHEREFORE, PREMISES CONSIDERED, City of Trinidad respectfully requests that the Court grant its Motion to Dismiss. Alternatively, City of Trinidad respectfully requests that the Court transfer venue to the United States District Court for the Eastern District of Texas, Tyler Division. City of Trinidad also respectfully requests any and all other relief, at law or in equity, to which it has shown itself to be justly entitled.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Iglesias", written in black ink.

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Lead Counsel

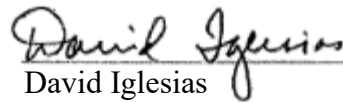
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**COUNSEL FOR DEFENDANT,
CITY OF TRINIDAD, TEXAS**

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2024, a copy of the foregoing was transmitted to all counsel of record in the above-referenced and -numbered action via the Court's electronic filing system, and electronic mail.


David Iglesias